

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27840 OF 2005

Dt.29.12.2005

Between:

J.Srinivasa Rao ... Petitioner

And

The Joint Collector, Prakasam District,
Ongole and 4 others. ... Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner has been appointed as fair price shop dealer of Velamuripadu Village, Addanki Mandal, Prakasam District and his authorization has been cancelled initially and thereafter the petitioner filed an explanation on 4.9.2004 and the appointing authority after considering the explanation with regard to the charges taken a lenient view by imposing Rs.500/- and restored the authorization of the petitioner by order dated 25.10.2005. As against the said order, respondents 4 and 5, who are cardholders of the said village, filed an appeal before the Joint Collector, Ongole and the appellate authority while admitting the appeal granted stay of the order of the Revenue Divisional Officer by order dated 14.12.2005. Questioning the said action of the first respondent, this writ petition has been filed.

When an appeal has been filed under Clause 6 of annexe to the A.P.State Public Distribution Control Order, 2001 within 30 days from the date of the order of the appointing authority, the Joint Collector is entitled to entertain the appeal and pass appropriate final orders after giving reasonable opportunity to the aggrieved party. I do not find any power to grant interim stay without giving an opportunity to the affected party.

In view of the aforesaid facts and circumstances of the case, the order of the Joint Collector dated 14.12.2005 granting stay of the order of the Revenue Divisional Officer dated 25.10.2005, is set aside. The first respondent is directed to dispose of the appeal after giving reasonable opportunity to the petitioner as well as respondents 4 and 5 in accordance with law. Till then, the petitioner shall be permitted to distribute essential commodities to the cardholders attached to his fair price shop.

The writ petition is accordingly disposed of. No costs.

(V.ESWARAIAH, J.)

29.12.2005

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